

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION

MICHAEL KINCAID SHIPP

PETITIONER

V.

CIVIL ACTION NO. 3:24-CV-00247-GHD-RP

BURL CAIN, et al.

RESPONDENTS

ORDER CONVERTING CIVIL RIGHTS ACTION TO A HABEAS ACTION

Mississippi inmate Michael Kincaid Shipp, proceeding *pro se*, filed the instant civil rights complaint under 42 U.S.C. § 1983 in the Southern District of Mississippi. *See* Doc. # 1. Although filed as a § 1983 action, the nature of the claims alleged, and relief sought is more appropriately presented as a federal habeas action under 28 U.S.C. § 2254. This is so because Shipp does *not* complain about the conditions of his confinement. Instead, he takes issue with the underlying state-court conviction and sentence for which he is currently incarcerated.

Thus, the Clerk of Court is **DIRECTED** to mail Shipp the Court's standard form for § 2254 petitions and to take such administrative actions as necessary to properly categorize this action as such. Shipp is **DIRECTED** to complete and return the enclosed habeas form within twenty-one (21) days from the date of this Order. Shipp is further directed to acknowledge receipt of this order by signing the enclosed acknowledgment form and returning it to the Court within fourteen (14) days of this date. Shipp is also warned that his failure to comply with the requirements of this order may lead to the dismissal (without prejudice) of his petition for failure to prosecute and for failure to comply with an order of the Court.

Lastly, the Clerk of Court is **DIRECTED** to **TERMINATE** Shipp's Motion to Change Venue (Doc. # 3) as that motion was rendered moot when the Southern District transferred the cause to this District.

SO ORDERED, this the 28th day of August, 2024.

/s/ Roy Percy
UNITED STATES MAGISTRATE JUDGE